

to be improper because Groups II and III both recite logical applications/methods for using the claimed retroviral vectors, and are exemplary of some the therapeutic uses contemplated for the subject vectors.

Moreover, the Examiner has erroneously stated that the product of Group III (Claim 34) involves "the use of 'genetically modified' endothelial cells. These cells may be modified by the introduction of nucleic acid through liposomes and not necessarily by the use of recombinant retroviral vectors of Group I." The Examiner is respectfully reminded that Claim 34 specifically recites that the endothelial cells be transduced "with a recombinant retroviral vector, according to any of Claims 1-19...". Given this language, it should be clear that the claimed product requires the use of the recombinant retroviral vectors of Group I.

Some confusion may stem from the fact that Claim 34 is structured as a Jepson claim that recites an improved synthetic vascular graft wherein the claimed improvement is that the graft is lined with endothelial cells transduced using the vectors of Group I.

The Examiner has also claimed that the use of the retroviral vectors of Group I to transduce hematopoietic cells is distinct from the use of the same vectors to transduce endothelial cells because, *inter alia*, endothelial cells are classified differently from hematopoietic cells. However, in assigning a class and subclass to Groups II and III, the Examiner has classified both of Groups II and III as Class 424, subclass 93.21. As such, it is not apparent that a

different search would necessarily be required to prosecute the two "distinct" inventions.

CONCLUSION

If, in the opinion of the Examiner, a telephone conference would expedite the prosecution of the subject application, the Examiner is invited to call the undersigned at (415) 926-7405. The Commissioners are authorized to charge any underpayment or credit any overpayment to the deposit account number 16-1150 for any matter in connection with this response, including any fee for extension of time which may be required.

Respectfully submitted,

Dated: May 4, 1995

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